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\*Application for admission *pro hac vice* to  
be submitted

*Attorneys for Plaintiffs Charles P. Haggarty,  
Gina M. Haggarty and all other similarly situated*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

CHARLES P. HAGGARTY and GINA M.  
HAGGARTY, on behalf of themselves and  
all others similarly situated,  
  
Plaintiffs,  
  
v.  
  
WELLS FARGO BANK, N.A.,  
  
Defendants.

Case No.: 3:10-cv-02416-CRB  
**JOINT STIPULATION AND [~~PROPOSED~~] ORDER  
CONCERNING CHANGES TO BRIEFING  
SCHEDULE AND PAGE LIMIT FOR PLAINTIFFS'  
REPLY IN SUPPORT OF AMENDED MOTION FOR  
CLASS CERTIFICATION AND CONCERNING  
BRIEFING SCHEDULE AND HEARING DATE FOR  
DEFENDANT'S DAUBERT MOTION**

Judge Assigned: Honorable Charles R. Breyer  
First Amended Complaint Filed: 11/5/2010

1 Pursuant to Civil L. R. 7-12, Plaintiffs CHARLES P. HAGGARTY and GINA M. HAGGARTY,  
2 and Defendant WELLS FARGO BANK, N.A., having met and conferred through their counsel of  
3 record, submit this Joint Stipulation and Proposed Order Concerning Changes to Briefing Schedule and  
4 Page Limit for Plaintiffs' Reply in Support of Amended Motion for Class Certification and Concerning  
5 Briefing Schedule and Hearing Date for any *Daubert* Motion to be filed by Defendant in relation to class  
6 certification.

7 RECITAL

8 WHEREAS, the following dates are currently scheduled in this matter:

- 9 1. Trial Date December 3, 2012  
10 2. Pre-Trial Conference November 27, 2012  
11 3. Hearing on Motion for Class Certification September 28, 2012  
12 4. Fact Discovery Cutoff: August 22, 2012  
13 6. Initial Expert Disclosures: September 14, 2012  
14 7. Rebuttal Expert Disclosures: September 28, 2012  
15 8. Expert Discovery Cutoff: October 12, 2012

16 WHEREAS, Plaintiffs were allowed 30 pages for their Amended Motion for Class Certification  
17 and used 21 pages;

18 WHEREAS, Defendant filed an expert declaration from Dr. Robert Edelstein in connection with  
19 its opposition to Plaintiffs' motion for class certification. Defendant has agreed to make Dr. Edelstein  
20 available for deposition, but could not arrange the deposition within the current schedule;

21 WHEREAS, fact discovery closes on August 22, 2012, depositions of several Defendant  
22 employees are scheduled between the scheduled reply date and August 22, 2012, and Plaintiffs contend  
23 that these witnesses may provide certain information relevant to their reply;

24 WHEREAS, the parties are currently engaged in discovery and have agreed that it is in the  
25 parties' best interests and the interests of judicial economy to extend the briefing schedule deadline and  
26 page limit for Plaintiffs' Reply in Support of Amended Motion for Class Certification and to establish  
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the briefing schedule and hearing date for Defendant's anticipated *Daubert* Motion relating to class certification in this matter.

### STIPULATION

THEREFORE, the Parties stipulate and propose the following dates, deadlines and page limits regarding Plaintiffs' Reply in Support of Amended Motion for Class Certification and *Daubert* Motion to be filed by Defendant. The Parties do not believe this modification of the existing schedule will result in the need to change any of the existing hearing dates, including the motion for class certification and the trial date.

**A. Parties' Proposed Changes To Briefing Schedule for Amended Motion for Class Certification**

	<u>Present Date</u>	<u>Proposed Date</u>
1. Plaintiffs' Reply:	August 10, 2012	August 24, 2012

**B. Parties' Proposed Changes To Page Limit for Amended Motion for Class Certification**

	<u>Present Limit</u>	<u>Proposed Limit</u>
1. Plaintiffs' Reply:	15 Pages	20 Pages

**C. The Parties stipulate and propose the following briefing schedule and hearing date regarding *Daubert* Motion to be filed by Defendant**

1. Hearing on <i>Daubert</i> Motion:	September 28, 2012 at 10:00 am
a. Defendant's <i>Daubert</i> Motion	August 24, 2012
b. Plaintiffs' Opposition	September 7, 2012
c. Defendant's Reply	September 14, 2012

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.  
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3 Respectfully submitted,  
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5 Dated: August 10, 2012

McCUNE WRIGHT, LLP

6 By: /s/ Richard D. McCune

7 Richard D. McCune

8 Attorney for Plaintiffs

Charles P. Haggarty and Gina M. Haggarty.

9 Dated: August 10, 2012

REED SMITH, LLP

10 By: /s/ Jack R. Nelson

11 Jack R. Nelson

12 Attorneys for Defendant

13 Wells Fargo Bank, N.A.

14 [Plaintiffs' counsel has been given  
15 authorization by Defendant's counsel to  
16 affix the electronic signature of Jack Nelson]  
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

2 DATE: August 17, 2012

